

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61454 of 2023**

Arising Out of PS. Case No.-108 Year-2022 Thana- KIUL RAIL P.S. District- Lakhisarai

MD. NAUSHER @ MD. NAUSHAD S/O MD. SALIM R/O NEELAM  
CHOWK, GULZAR POKHAR, P.S- KOTWALI, DISTT.- MUNGER.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Narsingh Tanti, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      11-10-2023                      1. Heard the learned counsel for the petitioner and  
learned APP for the State.

2. This is an application for grant of anticipatory bail  
in connection with Kiul Rail P.S. Case No.108 of 2022,  
registered for offences under Sections 414 of the IPC and  
Section 21(b) of NDPS Act.

3. The allegation is regarding the informant and his  
police force having caught five miscreants while they were  
fleeing away from the Lakhisarai-Patna railway line and upon  
search some tablets, mobile phones, purse containing huge sums  
of money, etc. were recovered from them and upon interrogation  
they had disclosed the names of their accomplices, including  
that of the petitioner herein.

4. The learned counsel for the petitioner has submitted



that the petitioner is innocent, he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner is an accused in one another case but he is on bail in the said case. It is also submitted that neither the petitioner has been arrested from the spot nor any incriminating articles, much less any stolen articles have been recovered from the house of the petitioner and he has been merely implicated in the present case upon disclosure, made by the arrested miscreants, before the police, which in any view of the matter have got no evidentiary value in the eyes of law, hence it is submitted that the petitioner be granted privilege of anticipatory bail.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that no incriminating articles/stolen articles have been recovered from the house of the petitioner nor he has been arrested from the spot and on the contrary his name has transpired in the present case merely upon the confessional statement made by the



co-accused persons, which in any view of the matter have got no evidentiary value in the eyes of law, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-III, Lakhisarai, in connection with Kiul Rail P.S. Case No.108 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

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